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RANDELL PARKER
CHAPTER 7 TRUSTEE
3820 Herring Road
Arvin, CA 93203
(661)854-1503

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In the Matter of:

Johnnie Ray Sims

Linda Jean Sims

Debtor(s) /

Case No. 16-13657-B
Chapter 7

RP-1

Date: April 6, 2017
Time: 10:00 am
Place: U. S. Courthouse
510 19th Street, Suite 200
Bakersfield, CA
Judge: René Lastreto II

APPLICATION TO EMPLOY AUCTIONEER AND TO CONDUCT PUBLIC AUCTION SALE ON APRIL 22, 2017

Randell Parker, Chapter 7 Trustee respectfully represents:

1. Johnnie Ray Sims and Linda Jean Sims (Debtors) filed a Voluntary Petition Under Chapter 7 on October 7, 2016. Randell Parker is the duly qualified, appointed and acting trustee in the case filed by Debtors.

2. The assets of the estate include, but are not limited to a 2011 Harley Davidson Ultra Classic Motorcycle VIN 1HD1FC436BB604442, LIC 20R5641 and a 2006 Chevrolet Silverado 1500 VIN 2GCEC13Z861307510LIC 8C10886 (Vehicles). According to the Schedules of Assets and Liabilities filed by Debtors, the Vehicles are owned free and clear of any liens. However, the Debtors have an exemption on the 2006 Chevrolet Silverado in the amount of $3,050.00, which will be paid to the debtors from the sale proceeds.

3. The Trustee believes that the sale of the Vehicles at a public auction is in the best interest of all parties concerned because (a) it allows the Vehicles to be shown to a wide variety of potential buyers, and (b) it allows the estate to find a buyer and complete the sale in a short period of time.

4. Based on his experience, the Trustee is satisfied the best and highest net recovery to this estate will arise by selling said Vehicles at a public auction through the employment and services of a licensed auctioneer.

5. The Trustee has received from Jerry Gould, of Gould Auction & Appraisal Company, LLC., 30602 Imperial Street, Shafter, CA, 93262, a licensed auctioneer (Auctioneer), an offer to liquidate the Vehicles at a public auction sale upon the terms and conditions as follows:

a. The public auction sale is to be conducted at 6200 Price Way, Bakersfield, CA 93308, on or about April 22, 2017, at 10:00 a.m.

b. Sales are “as-is where-is” with no warranties of any type.

c. Remote, live, world-wide bidding with Bidspotter.com through its “Bid live now” interface; remote bidders must be pre-approved by Gould. Compensation to Bidspotter.com is paid by 3% (three percent) buyer premium, not Gould or the estate, although Gould pays Bidspotter.com an administrative fee for access as part of his overhead;

d. Auctioneer is to receive a commission of 13.5% (thirteen and one-half percent) on the gross proceeds from the sale of the vehicles.

e. Gould charges a 10% (ten percent) buyer premium paid by the buyer directly.

f. Auctioneer will be paid $150.00 for hauling and storage of the Vehicles, however Auctioneer will bear the cost of all other ordinary expenses including, but not limited to, security, advertising, and other costs of sale.

g. Auctioneer will be reimbursed for any extraordinary expenses, such as repair work deemed by the Trustee to be necessary and beneficial to the estate, in an amount not to exceed $500.00. Auctioneer will be reimbursed for any extraordinary expenses in excess of $500.00 only after approval of the Court. The Trustee has approved the repair or replacement of the rear tire on the ’11 Harley, to be paid from the extraordinary expense.

h. Buyer will be charged a $50.00 fee to cover Department of Motor Vehicle transfer of title expense and smog fee per vehicle. The fee will be paid directly to the Auctioneer.

i. Auctioneer will be responsible for collecting and paying all sales tax in relation to this auction.

j. Auctioneer’s commission and expenses will be noticed in the “Notice of Hearing on Application to Employ Auctioneer and to Conduct Public Auction Sale on April 22, 2017”, and creditors will be given the opportunity to object to said commission. If no objections are presented, the Auctioneer will be paid by the Trustee from the proceeds of said auction within ten days of receipt of funds from the auctioneer.

k. The Trustee has reviewed the bond of $150,000.00 provided by the Auctioneer.

6. The Trustee believes that the proposed Auctioneer’s commission and terms of sale are customary and reasonable for the services to be rendered by the Auctioneer.

7. The Trustee is informed, believes, and therefore alleges, that neither Gould Auction & Appraisal Company, LLC, nor any agents employed by it, have any connection with the Debtor, creditors, or any other party in interest, their respective attorneys, accountants, the U.S. Trustee, or any person employed in the office of the U. S. Trustee, other than specified in the attached Declaration of Jerry Gould. In addition, to the best of Trustee’s knowledge, Gould Auction &

Appraisal Company, LLC, does not represent or hold any interest adverse to the Debtor(s)' estate with regard to the matters upon which the firm will be employed.

8. Auctioneer is aware of the provisions of 11 U.S.C. §328 and has agreed, notwithstanding the terms and conditions of employment herein set forth, that the court may allow compensation different from the compensation provided herein, if such terms and conditions prove to have been improvident in light of developments not capable of being anticipated at the time of the fixing of such terms and conditions.

WHEREFORE, Randell Parker, Trustee herein, requests that this Court enter an Order:

1. Authorizing the employment of Gould Auction & Appraisal Company, LLC.;

2. Authorizing Gould Auction & Appraisal Company, LLC. To conduct a public auction of the Vehicles on April 22, 2017, as set forth in this Application;

3. Authorizing the execution and delivery by the Trustee of any and all documents which may be necessary or convenient to conclude the transaction;

4. Authorizing payment to Gould Auction and Appraisal Company, LLC, from the proceeds received from the auction sale;

5. Authorizing the 14 day stay of order imposed by rule 6004(h) Federal Rules of Bankruptcy Procedure, be waived and not applicable to the order; and

6. Granting such other and further relief as the Court deems just and proper.

DATED: March 6, 2017

/s/ Randell Parker_____________

Randell Parker
Chapter 7 Trustee
3820 Herring Road
Arvin, CA 93203